PATENT APPLICATION
Docket No. 13768.158

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of		)
	Fishman, et al.	)
Serial No.:	09/771,338	) Art Unit
		) 2141
Filed:	January 26, 2001	)
Conf. No.:	6789	)
For:	PUSHING RICH CONTENT INFORMATION TO MOBILE DEVICES	)
Examiner:	Kristie D. Shingles	)
Customer No.:	022913	)

DECLARATION UNDER 37 C.F.R. 1.131

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with 37 C.F.R. § 1.131 and § 1.45, we, Neil Fishman, Don Kadyk, Brent Curtis, Marc Seinfeld, and Mark Ledsome declare as follows:

During our employment with Microsoft Corporation, and prior to October 1, 1997, we conceived of the invention entitled "Pushing Rich Content Information to Mobile Devices," which is defined by the original claims, as well as each of the previously-presented amended claims. (Exhibit A.) In general, this technology relates to sending data to one or more client devices at least in part via a gateway server, where the gateway server (or additional gateway servers in a chain) appropriately format the data for one or more client devices. The conception

and diligence in developing this technology is discussed more fully below with respect to the documentation included in Exhibits B-J.

For example, we prepared a confidential, internal Microsoft Power Point presentation of our work at least as early as October of 1997[1], which was entitled "Exchange Mobility." (Exhibit B.) This presentation discussed some of the motivations of the present invention due to the rapidly increasing growth of wireless communication media and devices. This presentation also discussed the numbers and types of devices that might need to receive information from a mailbox at a server, such as at a Microsoft Exchange Server. In addition, the presentation discussed the importance of accessing data through devices using a single such mailbox, using both push and pull (*e.g.*, synchronization) mechanisms. Furthermore, this presentation discussed the architectural and functional features of using one or more intermediate gateways to register devices, identify characteristics of these devices, and transform data before sending information of particular mailboxes to the devices. Still further, and in addition to other technical information, this presentation also illustrated a number of examples of how the technology could be applied in at least one operating environment.

As we continued diligently to build and reduce the concepts to practice, we also produced a number of technical specification documents. For example, we created a specification entitled "Connector Architecture" at least as early as April 1998, which describes one possible "connector" (*i.e.*, module at a gateway) that could be used in accordance with the invention. (Exhibit C.) In particular, this specification illustrates that the "connector" receives data (*e.g.*, in response to a rule trigger) from a data store (*e.g.*, Exchange Server), and applies one or more appropriate transforms to the data using any number of "Packaging Modules." This specification

[1] The dates of the documents included in Exhibits B-G are shown by screen shots of document properties, which indicate the date the particular document(s) was written to hard disk. Thus, it is possible that the illustrated date may actually be later than the date the document was actually created.

also describes that, upon receiving the appropriately customized and packaged data, the connector can then send the data as needed (*e.g.*, based on a rule) to an appropriate device, such as using any number or type of "Transport Agents."

We continued to present these and other related concepts as before in various, internal, confidential meetings. At least as early as May 1998, for example, we created and prepared another Microsoft Power Point presentation, entitled "PT Wireless." (Exhibit D.) As with the presentation of Exhibit B, this presentation discussed a number of technical goals and bases of the invention. For example, this presentation discussed the aspects of determining appropriate formatting modules and/or transforms for specific devices, and how to best handle passing data to those devices (*i.e.*, based on appropriate data transforms). This presentation also discussed various connectivity issues related to wireless communication standards and/or protocols in other countries. In addition, this presentation discussed some of the specific implementations regarding how to respond to certain rules, how to format data, how (or if) certain data tables/mappings should be used, how to deal with various operating system issues, and so forth. Furthermore, the presentation discussed possible initial product deployment dates around the August 1998 time frame.

We also prepared another technical specification at least as early as October 1998, entitled "DMI Gateway Module." (Exhibit E.) This specification included, for example, a recitation of project goals for gateway reliability, goals for scalability, and goals related to chaining of content formatting. Pursuant to these goals, the specification included a wide range of technical standards we created for this project, which included naming conventions, protocols, example code, and the like. In addition, this specification included a number of architectural diagrams, detailed steps for achieving particular results in receiving data, transforming the data,

and sending the data on to client devices as appropriate. This specification also included instructions on how to handle various exceptions, and details regarding monitoring performance. Furthermore, this specification provided a number of details regarding the makeup of (and functional actions to be taken by) various components in the content pushing system, such as thread pool manager component, message processor components, external interfaces and structures. Still further, this specification provided steps for how to register entries at the gateway, and the like.

We also prepared a number of more generalized overview documents intended for various internal purposes. One such example generated at least as early as April/May 1999 is entitled "Exchange Wireless Overview." (Exhibit F.) This particular overview document describes that an important goal of this technology was to provide an "end-to-end" solution that incorporated one and/or two-way communication between an intranet server, a gateway server, and a mobile device. This overview document also described that the technology was intended to allow information to be "pushed" (and/or pulled) in a manner appropriate for a particular device.

In addition, this overview document described various registration and personalization features of the technology, as well as various network and transport-specific information for delivering information. This overview document further included an architectural overview of the technology as well as various strategies and competitor's products/technology (redacted) to which this technology could be directed. Along these lines, we also prepared a separate overview diagram at least as early as June 1999, entitled "DMI end to end." (Exhibit G.) As with the above-identified schematics and descriptions, this overview diagram illustrated a

number of the agents, modules, and components that could be used in passing information from a server to an end-user device through a gateway.

Before filing the instant patent application in January of 2001, we continued diligently developing and reducing this technology to practice pursuant to eventual public release, as evidenced by several initial disc compilations of the technology. As shown in Exhibit H, for example, we compiled an initial version of this technology in a disc entitled "Airstream Carrier Alpha Release 4524.0" at least as early as August 2000. Exhibit H shows a label for this disc compilation, as well as an expanded folder list[2], and corresponding parent directory files. As shown in Exhibit I, we also compiled another preliminary version of this technology entitled "MIS2001CAR" at least as early as September 2000. As with Exhibit H, Exhibit I shows an expanded folder list for this compilation and the corresponding parent directory files. Further along these lines, Exhibit J shows that we compiled still another version of this technology entitled "Microsoft Mobile Information 2001 Server Enterprise Edition Beta 1 Release" at least as early as October 2000. As with Exhibits H and I, Exhibit J also shows an expanded folder list for this compilation, as well as the corresponding parent directory files.

Accordingly, the foregoing Exhibits show that we conceived the present invention in the United States prior to October 1997, that we diligently developed this invention from the time of conception until the time of constructive reduction to practice, and that we completed the invention in the United States.

We each declare further that all statements made herein are of our own independent knowledge, and are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false

[2] Each of Exhibits H-J shows either a screenshot of a property tab indicating the date one or more of the documents on the disc were created (*i.e.*, written to a hard disk), or a screen shot of the file listing details, which shows the date the file and/or folder for the compilation was burned to CD.

statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

Wherefore, we each respectfully request that the pending claims of the application for patent filed on January 26, 2001, be considered in light of this declaration.

Signed this 24th day of June, 2006.
Inventor: Neil Fishman
Neil Fishman

Signed this _____ day of _____, 2006.
Inventor: _____
Don Kadyk

Signed this _____ day of _____, 2006.
Inventor: _____
Brent Curtis

Signed this 24 day of June, 2006.
Inventor: _____
Marc Seinfeld

Signed this _____ day of _____, 2006.
Inventor: _____
Mark Ledsome

statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

Wherefore, we each respectfully request that the pending claims of the application for patent filed on January 26, 2001, be considered in light of this declaration.

Signed this _____ day of _____, 2006.

Inventor: _____
Neil Fishman

Signed this 11th day of AUG, 2006.

Inventor: _____
Don Kadyk

Signed this _____ day of _____, 2006.

Inventor: _____
Brent Curtis

Signed this _____ day of _____, 2006.

Inventor: _____
Marc Seinfeld

Signed this _____ day of _____, 2006.

Inventor: _____
Mark Ledsome

statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

Wherefore, we each respectfully request that the pending claims of the application for patent filed on January 26, 2001, be considered in light of this declaration.

Signed this _____ day of _____, 2006.

Inventor: _____
Neil Fishman

Signed this _____ day of _____, 2006.

Inventor: _____
Don Kadyk

Signed this 23rd day of June, 2006.

Inventor: Brent Curtis
Brent Curtis

Signed this _____ day of _____, 2006.

Inventor: _____
Marc Seinfeld

Signed this _____ day of _____, 2006.

Inventor: _____
Mark Ledsome

LIST OF EXHIBITS

1) Exhibit A – The original claims of the present invention, as well as each subsequent amendment to these claims.

2) Exhibit B – Internal Microsoft Power PowerPoint presentation prepared at least as early as October 1997, entitled "Exchange Mobility."

3) Exhibit C – Brief technical specification prepared at least as early as April 1998, entitled "Connector Architecture."

4) Exhibit D – Partially redacted copy of internal Microsoft Power PowerPoint presentation prepared at least as early as May 1998, entitled "PT Wireless."

5) Exhibit E – Technical specification prepared at least as early as October 1998, entitled "DMI Gateway Module."

6) Exhibit F – Partially redacted copy of brief technical overview prepared at least as early as May 1999, entitled "Exchange Wireless Overview."

7) Exhibit G – Overview diagram prepared at least as early as June 1999, entitled "DMI End-to-End."

8) Exhibit H – Photocopies of a product compilation prepared at least as early as August 2000, entitled "Airstream Carrier Alpha Release 4524.0."

9) Exhibit I – Photocopies of a product compilation prepared at least as early as September 2000, entitled "MIS2001CAR."

10) Exhibit J – Photocopies of a product compilation prepared at least as early as October 2000, entitled "Microsoft Mobile Information 2001 Server Enterprise Edition."